

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTOPHER WILLS, : **No. 3:13cv1787**
Plaintiff :
v. : **(Judge Munley)**
THE UNITED STATES OF :
AMERICA and USP-CANAAN, :
Defendants :

ORDER

AND NOW, to wit, this 7th day of May 2014, it is **HEREBY**

ORDERED that:

1. Plaintiff's objections to the Report and Recommendation (Doc. 32) are **OVERRULED**;
 2. The Report and Recommendation of Chief Magistrate Judge Carlson (Doc. 31) is **ADOPTED** to the extent that defendants' motion to dismiss (Doc. 23) is **GRANTED** as follows:
 - a. Plaintiff's Federal Tort Claims Act claim against the individual defendants is **DISMISSED with PREJUDICE**;
 - b. Plaintiff's Bivens claims against the United States and USP-Canaan are **DISMISSED with PREJUDICE**;
 - c. Plaintiff's Bivens claim against the individual defendants is

- DISMISSED without PREJUDICE** to plaintiff filing an amended complaint within twenty-one (21) days properly asserting this claim. If plaintiff fails to file an amended complaint in twenty-one (21) days, this claim will be dismissed with prejudice;
- d. Plaintiff's claim for injunctive relief is **DISMISSED with PREJUDICE**; and
 - e. Plaintiff's demand for a specified sum of monetary damages is **STRICKEN**;
3. Plaintiff's second motion to amend his complaint (Doc. 25) is **DISMISSED as MOOT**.
4. The Clerk of Court is directed to remand this case to Chief Magistrate Judge Carlson for further proceedings consistent with this order.

BY THE COURT:

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court